IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Yasufumi Ichikawa
Appln. No.	:	09/762,073
Filed	:	January 31, 2001
Title	:	APPARATUS AND METHOD FOR RADIO COMMUNICATIONS TRANSMISSION POWER CONTROL
Conf. No.	:	7828
TC/A.U.	:	2684
Examiner	:	Tu X. Nguyen
Customer No.:	:	00116
Docket No.	:	NGB-33220

Commissioner for Patents
Alexandria VA 22313-1450

PreAppeal Brief Review Remarks

Sir:

These Remarks are filed in response to the Office action of September 18, 2007 in support of a Notice of Appeal and a Request for a PreAppeal Brief Review.

Claims 2-6, 9, 11-19 and 21-25 remain in this application. Claims 1, 7-8, 10, and 20 have been previously canceled.

The Examiner objected to claims 15-19 for being in improper multiple dependent form. However, the Examiner fails to identify what is improper about the form of these claims. In fact, the identified multiple dependent claims clearly recite alternative language, and they do not depend on other multiple dependent claims, and thus are not improper. Furthermore, it is not improper for a multiple dependent claim to depend upon another dependent claim that is not a multiple dependent claim. Accordingly, the claims are in proper format and the objections should be withdrawn.

Claims 2-6, 9, 11-15, 18-19, and 21-25 were rejected under 35 U.S.C. §102(e) as being anticipated by Minami *et al.* (U.S. 6,587,510). Claims 4-6 and 16-17 were rejected

under 35 U.S.C. §103(a) as being unpatentable over Minami in view of Takano (U.S. 5,924,043). For the following reasons, the rejections are traversed.

Claim 21 recites:

> a transmission power control step range changer for internally changing a variable power step amount of a transmission power control step based on both the transmission power control bit and the detected one or more of: the *change in the reception power of the received signal obtained by comparing the previous reception power with the current reception power*, the *current transmission power of the distant station*, and *the current transmission power of said apparatus*;

(emphasis added) wherein the apparatus "internally increases or decreases a transmission power of a transmitted signal to the distant station by the changed power step amount in response to the transmission power control bit received from the distant station" (emphasis added).

Similarly, claim 22 recites:

> the apparatus having a transmission power control step range changing step which internally changes a variable power step amount of a transmission power control step based on both the transmission power control bit and the detected one or more of: the *change in the reception power of the received signal obtained by comparing the previous reception power with the current reception power,* the *current transmission power of the distant station*, and the *current transmission power of said apparatus*

(emphasis added), with the apparatus "internally increasing or decreasing a transmission power of a signal transmitted to the distant station by the changed power step amount". Takano fails to teach these limitations.

The Examiner argues that Minami anticipates these features. However, no such teachings are found in the reference.

Minami teaches a system that detects when previous instructions to adjust transmission power might have been erroneous, and corrects such errors by backing off

the previous adjustments along with making current adjustments. See, for example, The Summary of the Invention, and see also columns 11-12. However, Minami teaches that these errors are detected by monitoring the "carrier to interference ratio C/I" (see col. 11, lines 36-54).

In contrast, the invention is primarily concerned with changing power steps amounts when large changes in power level are necessary. There is no teaching in Minami of any feature of "changing a variable power step amount of a transmission power control step based on both the transmission power control bit and the detected one or more of: the change in the reception power of the received signal obtained by comparing the previous reception power with the current reception power, the current transmission power of the distant station, and the current transmission power of said apparatus" as recited in claim 21, or similar features recited in claims 22-25. There is no suggestion found in Minami for changing a step amount by monitoring and/or comparing current and previous power levels. Instead, the reference relies on the *carrier to interference ratio* for detecting and compensating for errors. But one skilled in the art would understand the *carrier to interference ratio* as being a very different parameter than those cited in the language of the claims. Nowhere does the reference suggest or teach the claimed features, and nowhere does the Examiner argue how the *carrier to interference ratio* would provide such a teaching (and in fact, he cannot) Accordingly, these claims are patentable over the reference.

As previously discussed in in previous filed responses, Takano fails to overcome these shortcomings (which the examiner apparently concedes by making this new rejection), and thus claims 21-25, along with the claims that depend thereon, are patentable over the combination of references as well.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. NGB-33220.

Respectfully submitted,
PEARNE & GORDON, LLP

Date: May 8, 2008

By: / Robert F. Bodi /
Robert F. Bodi, Reg. No. 48,540

1801 East Ninth Street, Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700